

Single Bench

1
P.A. No. 4391/04
Presented by Shri. San Meena (Jaisam)
dated 29.11.04

4

BEFORE THE HIGH COURT OF CHHATTISGARH AT
BILASPUR

4505
WP- /2004(SB)
Service matter – transfer

PETITIONER : ✓ Dr. A.K. Singh aged about 46 years s/o
late Shri T.C. Singh R/o Arjund, Distt-
Durg (CG).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through
Secretary, Health and Family Welfare
Department, Mantraly, DKS Bhawan
Raipur (CG).
2. Director, Health Services, Raipur PO.
& Distt- Raipur, (CG)
3. Chief Medical and Health Officer,
Durg, PO. & Distt- Durg (CG)

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29/11/04
Distt. A. S. Bilaspur

Petition under Article 226/227 of the constitution of India for
issuance of a writ of certiorari and mandamus and any other
writ/direction/order.

Satish

आदेश पत्रक

मामला क्रमांक W.P. 4505/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7.4.2005 Smt. Meera Jaiswal, counsel for the petitioner. Shri Akhil Agrawal, Panel Lawyer for the State. Heard. The petitioner, who is working as Assistant Surgeon in the Health & Family Welfare Department, State of C.G., has questioned the legality and propriety of the order dated 26.10.2004 (Annexure P-1) whereby the petitioner has been transferred from Community Health Centre, Arjunda, District Durg to Community Health Centre, Konta District Dantewada. The case of the petitioner is that he had already worked as Assistant Surgeon in the scheduled tribe area of East Bastar District (Now Dantewada) from 28.9.1984 to 11.8.1997 and thereafter, on the petitioner's own request he was transferred from Dantewada to Arjunda. Thus, the petitioner has already worked in the Naxalite area for about more than 13 years. Further case of the petitioner is that out of 9 persons, transferred vide impugned order, transfer orders of 06 persons have already been cancelled and only the petitioner and two other persons have been left out from the benefit which was extended to other six persons. In the circumstances, when the petitioner has already served more than 13 years in the Naxalite area, the petitioner ought not to have been transferred again in that area. Reply has been filed on behalf of the State / respondent in which it has been stated that the impugned transfer order has been made on administrative ground. Learned counsel for the petitioner submits that this is the general policy of the Government since long that if any person has served in the naxalite area for a period of three years or more then he should be transferred from that area and some other person who has not served in the naxalite area be transferred in that area. Counsel submits that the petitioner has already	

(पीले टेबिले)

आदेश पत्रक

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मामला क्रमांक सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	served 13 years i.e. almost 40% of the total service of an employee, therefore, before transferring the petitioner to the naxalite area the respondents ought to have considered this fact on humanitarian ground also. She further submits that the place i.e. Arjunda from where the petitioner was transferred is still lying vacant. In the circumstances, learned counsel for the petitioner submits that the petitioner may be allowed make a representation to respondent No.2 pointing out the above difficulties and in turn respondent No.2 be directed to consider the representation of the petitioner sympathetically and decide the same at the earliest, to which learned Panel Lawyer for the respondents has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation within a period of ten days from today to respondent No.2 raising all his grievances along with copy of this petition and respondent No.2 is directed to decide the representation of the petitioner in accordance with law within another one month from the date of receipt of the representation after considering that the petitioner has already served about more than 13 years in the naxalite area. If the petitioner is not relieved then he should not be relieved till the representation is decided. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No. 4847/04 & I.A. No.900/05 also stand disposed of. Certified copy as per rules.	

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)